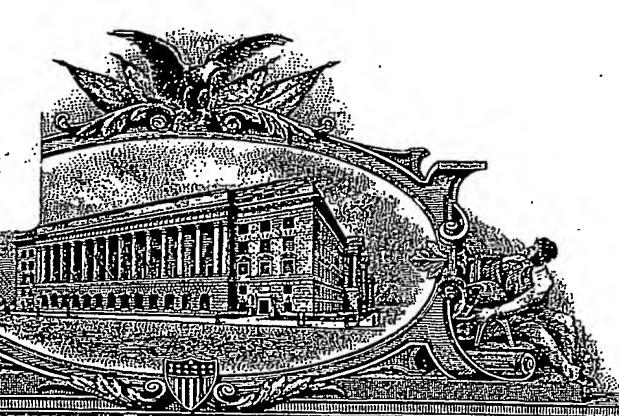


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August 03, 2004

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A FILING DATE.

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T. WALLACE
Certifying Officer

Due to the format in which this priority document and accompanying certification was transmitted, the International Bureau has been unable to upload these documents in full into its information systems. Only a copy of the certification page and the first four pages of the specification are enclosed herewith. The International Bureau will provide a complete copy of this document upon request.

## Pharmaceutical Co-Crystal Compositions

## INCORPORATION BY REFERENCE

- This application claims the benefit of US Provisional Patent Application No. 60/451,213 filed on February 28, 2003; U.S. Provisional Patent Application No. 5 60/463,962, filed on April 18, 2003; and U.S. Provisional Application No. 60/487,064, filed on July 11, 2003 each of which incorporated herein by reference in its entirety. This application is also a continuation-in-part of PCT US03/XXXXX, filed on September 4, 2003 which is a continuation-in-part of U.S. Patent Application No.
- 10/378,956, filed March 1, 2003, which claims the benefit of U.S. Provisional 10 Application No. 60/360,768, filed March 1, 2002; said PCT US03/XXXXX also claims the benefit of US Provisional Patent Application No. 60/451,213 filed on February 28, 2003; U.S. Provisional Patent Application No. 60/463,962, filed on April 18, 2003; and U.S. Provisional Application No. 60/487,064, filed on July 11, 2003. This application is
- also a continucation-in-part of U.S. Patent Application No. 10/637,829, filed August 8, 15 2003, which is a divisional of U.S. Patent Application No. 10/295,995, filed November 18, 2002, which is a continuation of U.S. Patent Application No.10/232,589, filed September 3, 2002, which claims the benefit of US Provisional Patent Application No. 60/406,974, filed August 30, 2002 and US Provisional Patent Application
- No.60/380,288, filed May 15, 2002 and US Provisional Patent Application No. 20 60/356,764, filed February 15, 2002. This application is also a continuation-in-part of US Patent Application No. 10/449,307, filed May 30, 2003 which claims the benefit of US Provisional Patent Application No. 60/463,962 filed April 18, 2003 and US Provisional Patent Application No. 60/444,315, filed January 31, 2003 and US
- Provisional Patent Application No. 60/439,282 filed January 10, 2003 and US 25 Provisional Patent Application No. 60/384,152, filed May 31, 2002. This application is also a continuation-in-part of US Patent Application No. 10/601,092, filed June 20, 2003, which claims the benefit of US Provisional Patent Application No. 60/451,213, filed February 28, 2003. Each of these applications is hereby incorporated by reference
- 30 in their entireties, including all figures, tables and formulae.

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### FIELD OF THE INVENTION

The present invention relates to co-crystal API-containing compositions, pharmaceutical compositions comprising such APIs, and methods for preparing the same.

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# BACKGROUND OF THE INVENTION

Active pharmaceutical ingredients (API or APIs (plural)) in pharmaceutical compositions can be prepared in a variety of different forms. Such APIs can be prepared so as to have a variety of different chemical forms including chemical derivatives or salts. Such APIs can also be prepared to have different physical forms. For example, the APIs may be amorphous, may have different crystalline polymorphs, or may exist in different solvation or hydration states. By varying the form of an API, it is possible to vary the physical properties thereof. For example, crystalline polymorphs typically have different solubilities from one another, such that a more thermodynamically stable polymorph is less soluble than a less thermodynamically stable polymorph. Pharmaceutical polymorphs can also differ in properties such as shelf-life, bioavailability, morphology, vapour pressure, density, colour, and compressibility. Accordingly, variation of the crystalline state of an API is one of many ways in which to modulate the physical properties thereof.

It would be advantageous to have new forms of these APIs that have improved properties, in particular, as oral formulations. Specifically, it is desirable to identify improved forms of APIs that exhibit significantly improved properties including increased aqueous solubility and stability. Further, it is desirable to improve the processability, or preparation of pharmaceutical formulations. For example, needle-like crystal forms or habits of APIs can cause aggregation, even in compositions where the API is mixed with other substances, such that a non-uniform mixture is obtained. It is also desirable to increase the dissolution rate of API-containing pharmaceutical compositions in water, increase the bioavailability of orally-administered compositions, and provide a more rapid onset to therapeutic effect. It is also desirable to have a form of the API which, when administered to a subject, reaches a peak plasma level faster, has a longer lasting therapeutic plasma concentration, and higher overall exposure when compared to equivalent amounts of the API in its presently-known form.

## SUMMARY OF THE INVENTION

It has now been found that new co-crystalline forms of APIs can be obtained which improve the properties of APIs as compared to such APIs in a non-co-crystalline state (free acid, free base, zwitter ions, salts, etc.).

Accordingly, in a first aspect, the present invention provides a co-crystal pharmaceutical composition comprising an API compound and a co-crystal former, such that the API and co-crystal former are capable of co-crystallizing from a solid or solution phase under crystallization conditions.

Another aspect of the present invention provides a process for the production of a pharmaceutical composition, which process comprises:

- (1) providing an API which has at least one functional group selected from ether, thioether, alcohol, thiol, aldehyde, ketone, thioketone, nitrate ester, phosphate ester, thiophosphate ester, ester, thioester, sulfate ester, carboxylic acid, phosphonic acid, phosphinic acid, sulfonic acid, amide, primary amine, secondary amine, ammonia, tertiary amine, sp2 amine, thiocyanate, cyanamide, oxime, nitrile, diazo, organohalide, nitro, s-heterocyclic ring, thiophene, n-heterocyclic ring, pyrrole, o-heterocyclic ring, furan, epoxide, peroxide, hydroxamic acid, imidazole, and pyridine;
- (2) providing a co-crystal former which has at least one functional group selected from ether, thioether, alcohol, thiol, aldehyde, ketone, thioketone, nitrate ester, phosphate ester, thiophosphate ester, ester, thioester, sulfate ester, carboxylic acid, phosphonic acid, phosphinic acid, sulfonic acid, amide, primary amine, secondary amine, ammonia, tertiary amine, sp2 amine, thiocyanate, cyanamide, oxime, nitrile, diazo, organohalide, nitro, s-heterocyclic ring, thiophene, n-heterocyclic ring, pyrrole, o-heterocyclic ring, furan, epoxide, peroxide, hydroxamic acid, imidazole, and pyridine;
- 25 (3) grinding, heating or contacting in solution the API with the co-crystal former under crystallization conditions;
  - (4) isolating co-crystals formed thereby; and
  - (5) incorporating the co-crystals into a pharmaceutical composition.
- A further aspect of the present invention provides a process for the production of a pharmaceutical composition, which comprises:
  - (1) grinding, heating or contacting in solution an API compound with a cocrystal former, under crystallization conditions, so as to form a solid phase;
    - (2) isolating co-crystals comprising the API and the co-crystal former; and

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(3) incorporating the co-crystals into a pharmaceutical composition.

In a further aspect, the present invention provides a process for the production of a pharmaceutical composition, which comprises:

- (1) providing (i) an API or a plurality of different APIs, and (ii) a co-crystal former or a plurality of different co-crystal formers, wherein at least one of the APIs and the co-crystal formers is provided as a plurality thereof;
  - (2) isolating co-crystals comprising the API and the co-crystal former; and
  - (3) incorporating the co-crystals into a pharmaceutical composition.

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#### Solubility Modulation

In a further aspect, the present invention provides a process for modulating the solubility of an API, which process comprises:

- (1) grinding, heating or contacting in solution the API with a co-crystal former under crystallization conditions, so as to form a co-crystal of the API and the co-crystal former; and
  - (2) isolating co-crystals comprising the API and the co-crystal former.

## 20 <u>Dissolution Modulation</u>

In a further aspect, the present invention provides a process for modulating the dissolution of an API, whereby the aqueous dissolution rate or the dissolution rate in simulated gastric fluid or in simulated intestinal fluid, or in a solvent or plurality of solvents is increased or decreased, which process comprises:

- 25 (1) grinding, heating or contacting in solution the API with a co-crystal former under crystallization conditions, so as to form a co-crystal of the API and the co-crystal former; and
  - (2) isolating co-crystals comprising the API and the co-crystal former. In one embodiment, the dissolution of the API is increased.

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#### Bioavailability Modulation

In a further aspect, the present invention provides a process for modulating the bioavailability of an API, whereby the AUC is increased, the time to  $T_{\text{max}}$  is reduced, the

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